

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Darian Renard Tensley
Petitioner

v.

J. Thomas Warden
Respondent

(name of warden or authorized person having custody of petitioner)

3: CV 13 3088

Case No.

(Supplied by Clerk of Court)

**FILED
WILLIAMSPORT
DEC 26 2013**

**PER
DEPUTY CLERK**

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Darian Renard Tensley
(b) Other names you have used: Drac - Joe Morris
2. Place of confinement:
(a) Name of institution: United States Penitentiary Lewisburg
(b) Address: P.O. Box 1000 Lewisburg PA 17837
(c) Your identification number: 41138-018
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: U.S.P. Lewisburg P.O. Box 1000 Lewisburg PA 17837
~~San Antonio-Gabbons U.S. Courthouse~~
~~801 North Florida Avenue Tampa Florida 33602~~
(b) Docket number of criminal case: N/A
(c) Date of sentencing: 8-19-2013
☐ Being held on an immigration charge
☐ Other (explain):

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)☐ Pretrial detention☐ Immigration detention☐ Detainer☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)☒ Disciplinary proceedings☒ Other (explain): confinement - "significant hardship" and cruel and unusual punishment. unsanitary dangerous or overly restrictive conditions.

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: U.S.P Lewisburg SMC staff had no right to use false allegation to cause bodily harm. (Administrative Remedy Coordinator)(b) Docket number, case number, or opinion number: N/A

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

the fact I asked the Regional Director to investigate the BOP staff action with a standard procedure of viewing CCTV Surveillance and the Chemical agents Video tapes to show Lt. Sherman used false allegation(d) Date of the decision or action: 9-05-2013**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Administrative Remedy Coordinator(2) Date of filing: 9-05-2013(3) Docket number, case number, or opinion number: N/A(4) Result: Claim is Untimely ~~and~~(5) Date of result: 11-05-2013(6) Issues raised: I asked the Regional Director to investigate the BOP staff action with a standard procedure of viewing CCTV Surveillance and the Chemical agents Video tapes to show Lt. Sherman used false allegation to cause bodily harm.

(b) If you answered "No," explain why you did not appeal: N/A

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: General Counsel, Central Office
Administrative Remedy Appeal
- (2) Date of filing: 12-01-2013
- (3) Docket number, case number, or opinion number: N/A
- (4) Result: I Received no Response do to BOP staff hindering mail
- (5) Date of result: N/A
- (6) Issues raised: Telling General Counsel to view the CCTV Surveillance Video
and the Chemical Agents Audio Visual Video tapes being that force use
being used and that these video tapes would show that Lt. J. Sherman and
Chemical agents used false allegation and that the act was carried out to instill
fear, humiliate, degrade, intimidate, outrage, etc.

(b) If you answered "No," explain why you did not file a second appeal: N/A

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: N/A
- (2) Date of filing: N/A
- (3) Docket number, case number, or opinion number: N/A
- (4) Result: N/A
- (5) Date of result: N/A
- (6) Issues raised: N/A

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(b) If you answered "No," explain why you did not file a third appeal: ofc. D. Johnson, ofc. W. Weaver
Correctional Counselor (4c) J. Piltz are hindering me from file any thing with
BOP staff member action on them.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☒ Yes☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: N/A

(2) Case number: N/A

(3) Date of filing: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

If "Yes," provide:

(1) Name of court: N/A

(2) Case number: N/A

(3) Date of filing: N/A

(4) Result: N/A

(5) Date of result: N/A

(6) Issues raised: N/A

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: N/A

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes ☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: N/A
(b) Date of the removal or reinstatement order: N/A
(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Date of filing: N/A
(2) Case number: N/A
(3) Result: N/A
(4) Date of result: N/A
(5) Issues raised: N/A

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: N/A
(2) Date of filing: N/A
(3) Case number: N/A

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(4) Result: N/A(5) Date of result: N/A(6) Issues raised: N/A12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: N/A

(b) Name of the authority, agency, or court: N/A

(c) Date of filing: N/A

(d) Docket number, case number, or opinion number: N/A

(e) Result: N/A

(f) Date of result: N/A

(g) Issues raised: N/A

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Challenging my condition of confinement. Significant hardship. Cruel and unusual punishment as well as unsanitary dangerous and overly restrictive conditions. (scars left by the Assault and Battery. Skin from the blisters from my body.) To show that brutality and excessive force.

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(a) Supporting facts (Be brief. Do not cite cases or law.):

This can be substantiated by the transport gate, G-Cell Block and Chemical agents.

The CCTV video camera footage. 8-14-2013

The Chemical agent hand-held camrecorder 8-14-2013

The G-Cell Block Surveillance Video 8-14-2013

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes☐ No

GROUND TWO: Unit manager G. Nye when observed this conduct and failed to report it ~~and~~ as they stood by smiling the CCTV video footage for the transport gate shows this. 8-14-2013

(a) Supporting facts (Be brief. Do not cite cases or law.):

The CCTV Video footage for the transport gate shows this 8-14-2013

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes☐ No

GROUND THREE: Lt. J. Sherman, as another unknown Yo came to G-Cell Block with the intention to cause bodily harm.

(a) Supporting facts (Be brief. Do not cite cases or law.):

The CCTV Video footage on G-Cell Block show this 8-14-2013

The Chemical agents hand-held ~~camera~~ camrecorder show this 8-14-2013

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes☐ No

GROUND FOUR: ofc. N. Weaver and ofc P. Johnson, & J. Diltz and Unknown %os are hindering me from send mail and everytime I said a BOP staff name in my Letters I dont get response

(a) Supporting facts (Be brief. Do not cite cases or law.):

Certified mail Receipts. Letter from Lewisburg Prison Project Mr. David Sprout a paralegal. Institution mail ~~and getting~~ by Dr. O'shaughnessy

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: My appeal was reject as claim is untimely but I kept on filing in to the appeal paperwork never came back to me. that was and in my only help to show what happen to me was an act of retaliation and revenge and personal vendetta.

Request for Relief

15. State exactly what you want the court to do: I would like the Incident expunge from my recorded. to be move out this region so these BOP staff want beable to call in a favor other BOP staff and Place Restraining orders. To give me a interview so I can show all proof I got. monetary damages plus punitive damages for 6.5 million dollars for the All sustained Injuries The unown Aniti-Racist Life threaten Defendants malicious and sadistic caused me!! Also Request that the chief of Judges aid plus assist ^{me} with probono Lawyers. why I not complexed and an a lay man of laws and not no Lawyer not can do what Lawyers can do none!! As well an Fast plus speedy trial now as well all restraining orders. please I need help in many ways...

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

December 19 2013 025-41138-018

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 12-19-2013

025-41138-018

Signature of Petitioner

N/A

Signature of Attorney or other authorized person, if any

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Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

All questions must be answered clearly and concisely in the space on the form. If needed, you may attach additional pages or file a memorandum in support of the petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. Note that some courts have page limitations. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
4. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
5. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
6. **Submitting Documents to the Court.** Mail your petition and ____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
7. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.